

1 JOSEPH P. RUSSONIELLO (CABN 44332)
2 United States Attorney

3 BRIAN J. STRETCH (CABN 163973)
4 Chief, Criminal Division

5 KEVIN J. BARRY (CABN 229748)
6 Assistant United States Attorney

7 450 Golden Gate Avenue, Box 36055
8 San Francisco, California 94102
Telephone: (415) 436-6840
Facsimile: (415) 436-7234
Email: kevin.barry@usdoj.gov

9 Attorneys for Plaintiff

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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA,) CR No. 09-0389 JSW
15 Plaintiff,)
16 v.) STIPULATION AND [PROPOSED] ORDER
17 NOEL GILLETT,) CHANGING HEARING DATE AND
18 Defendant.) EXTENDING RULE 5.1 DEADLINES
19 _____)

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21 On April 1, 2009, the parties in this case appeared before the Court for the defendant's
22 initial appearance on a Complaint. On April 7, 2009, the parties appeared once again for a
23 detention hearing, at which time the defendant waived a detention hearing, subject to a
24 reservation of his right to seek release from detention at a later time. At that hearing, the Court
25 set the date for a Preliminary Hearing or Arraignment for April 15, 2009, at 9:30 a.m.

26 Counsel for the defendant is currently in trial, and is unavailable on April 15, 2009. To
27 ensure continuity of counsel, the parties respectfully request that the date for the defendant's
28 Preliminary Hearing or Arraignment be rescheduled for April 17, 2009, at 9:30 a.m. The parties

1 further request that pursuant to Federal Rule of Criminal Procedure (“FRCP”) 5.1(d), the time
2 limits set forth in FRCP 5.1(c) be extended through April 17, 2009. The parties agree and
3 submit that, taking into account the public interest in prompt disposition of criminal cases, good
4 cause exists for this brief extension.

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6 SO STIPULATED:

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JOSEPH P. RUSSONIELLO
United States Attorney

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9 DATED: April 14, 2009

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/s/
KEVIN J. BARRY
Assistant United States Attorney

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12 DATED: April 14, 2009

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/s/
LOREN G. STEWART
Attorney for NOEL GILLETT

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[PROPOSED] ORDER

16 To ensure continuity of counsel, the Court finds good cause to change the hearing date
17 for the defendant’s Preliminary Hearing or Arraignment from April 15, 2009, at 9:30 a.m. to
18 April 17, 2009, at 9:30 a.m. The Court also finds good cause under Federal Rule of Criminal
19 Procedure (“FRCP”) 5.1(d) to extend the time limits set forth in FRCP 5.1(c) through April 17,
20 2009..

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IT IS SO ORDERED.

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DATED: April 15, 2009

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THE HONORABLE BERNARD ZIMMERMAN
United States Magistrate Judge

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